

PATENT  
Attorney Docket No. 05725.0036-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
                            )  
Fran ois COTTARD et al. ) Group Art Unit: 1751  
                            )  
Application No.: 10/728,888 ) Examiner: E. ELHILO  
                            )  
Filed: December 8, 2003     ) Confirmation No.: 9625  
                            )  
For: COMPOSITION FOR THE )  
OXIDATION DYEING OF KERATIN )  
FIBERS, COMPRISING AT LEAST )  
ONE NON-OXYALKENYLATED )  
FATTY ALCOHOL, AT LEAST ONE )  
OXIDATION DYE, AT LEAST ONE )  
ASSOCIATIVE POLYMER, AND AT )  
LEAST ONE AMIDE OF AN )  
ALKANOLAMINE AND A C<sub>14</sub>-C<sub>30</sub>)  
FATTY ACID                 )

**Mail Stop Issue Fee**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT**

Applicants are in receipt of the Determination of Patent Term Adjustment dated September 19, 2007, notifying them that the patent term adjustment under 35 U.S.C. § 154(b) is 81 days for the present patent application.

Applicant has calculated a patent term adjustment of 79 days based on the following facts:

The present patent application was filed on December 8, 2003. A first Office Action on the merits was mailed on November 21, 2005 (286 days after the date that is

fourteen months after the date on which the application was filed). A response to the first Office Action was filed May 19, 2006 (87 days after the date that is three-months from the mailing date of the Office Action). A final Office Action was mailed on July 18, 2006. In response, a Notice of Appeal was filed on January 17, 2007 (91 days after the date that is three-months from the mailing date of the final Office Action). A Request for Continued Examination (RCE) was filed on March 19, 2007 (2 days after the two-month date after filing a Notice of Appeal). A non-final Office Action was mailed March 28, 2007, and a response to this Office Action was filed on July 25, 2007 (27 days after the date that was three-months from the mailing date of the Office Action). In view of this Response, the Examiner allowed this patent application to be issued as a patent on September 19, 2007. The issue fee was paid today concurrently with the submission of this Comment under 37 C.F.R. 1.705.

Thus, the total PTO adjustment based on delay is 286 days and the reduction in term adjustment is 207 days, resulting in a patent term adjustment of 79 total days provided that the patent issues in a timely manner without any delay on the part of the Office. However, if the Office believes that its calculation of the patent term adjustment is correct based on the facts set forth above, as well as the facts in the record, Applicants respectfully request the Office confirm the issuance of a patent adjustment of 81 days.

The above-identified application is not subject to a Terminal Disclaimer. Additionally, this submission does not constitute a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by the required fee of \$200.00. Please charge any deficiencies to Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 10, 2007

By:   
Jennifer R. Leach  
Reg. No. 54,257